

CHAPTER 735

H.B. No. 2574

AN ACT

relating to the waiver of civil process continuing education requirements for constables and deputy constables by the Commission on Law Enforcement Officer Standards and Education.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1701.354(d), Occupations Code, is amended to read as follows:

(d) The commission may waive the ~~[requirement that a constable or deputy constable complete the]~~ instruction requirements under ~~[required by]~~ this section ~~[if]~~:

(1) *for a deputy constable, if a constable requests a waiver for the deputy constable based on a representation that the deputy constable's duty assignment does not involve civil process responsibilities; or*

(2) *for a constable or deputy constable, if the constable or deputy constable requests a waiver because of hardship[;]* and

~~[(2)]~~ the commission determines that a hardship exists.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

Passed by the House on April 29, 2005: Yeas 142, Nays 0, 2 present, not voting; passed by the Senate on May 25, 2005: Yeas 31, Nays 0.

Approved June 17, 2005.

Effective June 17, 2005.

CHAPTER 736

H.B. No. 2627

AN ACT

relating to certain requirements for issuance of a barbershop permit.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1601.303, Occupations Code, is amended to read as follows:

Sec. 1601.303. ISSUANCE OF BARBERSHOP PERMIT. The board shall issue a barbershop permit to an applicant if:

(1) the applicant *is an owner of the shop* ~~[holds a Class A barber certificate;~~

~~[(2) the applicant has practiced barbering for at least 12 months];~~ and

(2) ~~[(3)]~~ the shop meets the minimum health standards for barbershops set by the board and *complies with* all other rules of the board.

SECTION 2. The change in law made by this Act applies only to an application for a barbershop permit filed under Chapter 1601, Occupations Code, on or after the effective date of this Act. An application for a permit filed before that date is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

Passed by the House on May 9, 2005: Yeas 140, Nays 1, 2 present, not voting; passed by the Senate on May 25, 2005: Yeas 31, Nays 0.

Approved June 17, 2005.

Effective June 17, 2005.

CHAPTER 737

H.B. No. 2630

AN ACT

relating to procedures regarding the removal and storage of vehicles.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 683.011(b), Transportation Code, is amended to read as follows:

(b) A law enforcement agency may use agency personnel, equipment, and facilities or contract for other personnel, equipment, and facilities to remove, preserve, [and] store, *send notice regarding, and dispose of* an abandoned motor vehicle, watercraft, or outboard motor taken into custody by the agency under this subchapter.

SECTION 2. Section 683.031(c), Transportation Code, is amended to read as follows:

(c) The garagekeeper shall report the abandonment of the motor vehicle to a law enforcement agency *with jurisdiction where the vehicle is located or to the Department of Public Safety* and shall pay a \$10 [\$5] fee to be used by the law enforcement agency for the cost of the notice required by this subchapter or other cost incurred in disposing of the vehicle. A fee paid to the Department of Public Safety shall be used to administer this chapter.

SECTION 3. Sections 683.034(a), (b), and (e), Transportation Code, are amended to read as follows:

(a) A law enforcement agency shall take into custody an abandoned vehicle left in a storage facility that has not been claimed in the period provided by the notice under Section 683.012. *In this section, a law enforcement agency has custody if the agency:*

- (1) has physical custody of the vehicle;*
- (2) has given notice to the storage facility that the law enforcement agency intends to dispose of the vehicle under this section; or*
- (3) has received a report under Section 683.031(c) and the garagekeeper has met all of the requirements of that subsection.*

(b) The law enforcement agency may use the vehicle as authorized by Section 683.016 or sell the vehicle at auction as provided by Section 683.014. If a vehicle is sold, the proceeds of the sale shall first be applied to a garagekeeper's charges for *providing notice regarding the vehicle and for service, towing, impoundment, storage, and repair of the vehicle.*

(e) If the law enforcement agency does not take the vehicle into custody before the 31st day after the date *the vehicle was reported abandoned under Section 683.031* [~~notice is sent under Section 683.012~~]:

- (1) the law enforcement agency may not take the vehicle into custody; and
- (2) the storage facility may dispose of the vehicle under:

(A) Chapter 70, Property Code, except that notice under Section 683.012 satisfies the notice requirements of that chapter; or